Federal judge issues injunction in Rhode Island labor dispute
Employer must bargain with union that represented employees of Bradford Dyeing Association

At the request of attorneys for the National Labor Relations Board (NLRB), a Chief United States District Judge has ordered Bradford Printing & Finishing, LLC (Bradford), a Rhode Island company that manufactures camouflage fabrics for the U.S. military, to bargain in good faith with the union selected by their employees when they worked for Bradford's predecessor, Bradford Dyeing Association.

The injunction was granted on June 29, 2010 in order to preserve employee rights pending a final decision by the NLRB on Bradford's alleged violations of federal labor law. Attorneys for the NLRB's Boston Regional Office argued that Bradford, as the legal successor to Bradford Dyeing Association, was obligated to bargain with UNITE-HERE, the union that had represented the predecessor's employees. The attorneys argued that Bradford deprived its employees of the benefits of union representation by refusing to bargain with UNITE-HERE and by creating an unlawful, in-house labor organization.

The case dates back to January 2009, when Bradford opened its doors shortly after its predecessor shut down, leaving over 100 employees out of work. Bradford began operating with a production and maintenance workforce of approximately 35 production employees, virtually all of whom had worked for Bradford Dyeing Association, where they were represented by UNTE-HERE. As soon as it opened, Bradford established an in-house labor organization, known as the Guiding Coalition, and told employees they did not need UNITE-HERE because they had the Guiding Coalition to represent them. At the same time, Bradford refused to recognize and bargain with the union, claiming that its employees had circulated a petition indicating they did not want to be represented.

UNITE-HERE filed charges with the NLRB's Boston Office, whose investigation found that the employee petition was unreliable because it was tainted by Bradford's creation of the Guiding Coalition. In March 2010, following a hearing, an NLRB Administrative Law Judge ruled that Bradford had committed unfair labor practices by establishing and dominating the Guiding Coalition and by refusing to bargain with UNITE-HERE. Bradford has appealed the decision of the Administrative Law Judge to the NLRB in Washington, D.C.

The injunction issued by Chief United States District Judge Mary M. Lisi requires Bradford to stop dealing with the Guiding Coalition as the representative of its employees, and instead recognize and bargain in good faith with UNITE-HERE until the parties reach agreement on a contract or come to an impasse in bargaining.

In her Memorandum and Order, Judge Lisi concluded that Bradford's employees and UNITE-HERE would continue to suffer irreparable harm without immediate relief. In particular, she noted that Bradford's unfair labor practices were causing the union to "lose negotiating leverage and support based upon [the company's] refusal to recognize and bargain with the union." As a result, she ordered Bradford to withdraw its recognition from the Guiding Coalition, and to bargain instead with UNITE-HERE, the union employees had selected when they worked for Bradford Dyeing Association. The Court's temporary order is in place until the parties reach agreement on a collective-bargaining agreement, reach a lawful impasse in bargaining, or until the NLRB issues its final order, whichever comes first.

The NLRB is an independent federal agency vested with the authority to safeguard employees' rights to organize and to determine whether to have unions as their bargaining representative. The NLRB's Office of the General Counsel has independent prosecutorial discretion under the National Labor Relations Act to issue complaints alleging unfair labor practices.

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